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BEFORE THE  
Federal Communications Commission  
WASHINGTON, D.C.

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Federal Communications Commission  
Office of Secretary

In the Matter of )  
)  
Advanced Television Systems and Their )  
Impact Upon the Existing Television )  
Broadcast Service )  
)

MM Docket No. 87-268

To: The Commission

**PETITION FOR RECONSIDERATION**

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Dated: June 13, 1997

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## **TABLE OF CONTENTS**

	<b><u>PAGE</u></b>
Summary .....	i
I. The Interests of Sinclair and Other UHF/UHF Broadcasters .....	3
II. The Commission's Well-Established Commitment to Service to Stations' Communities and Surrounding Core Business Areas .....	3
III. The Evolution of the Commission's Service Replication Policy and the Incompatibility of This Policy with the Commission's Commitment to Local Service .....	5
A. The Commission's Failure to Respond to Sinclair's Concerns .....	6
B. The Real Nature of this Problem -- the Sacrifice of High Quality UHF/UHF Service in Stations' Core Business Areas In Order to Achieve "Over the Horizon" VHF/UHF Coverage .....	7
IV. The Solution: The Commission Should Modify Its DTV Table of Allotments to Ensure Replication of Ease of Reception Within Stations Core Business Areas, and, Consequently, VHF/UHF and UHF/UHF Stations' Current Relative Competitive Postures .....	11
V. In the Event the Commission Retains Its Current Service Area Replication Policy, the Commission's Procedures for Coverage Maximization Should be Modified .....	12
Conclusion .....	15

## SUMMARY

Sinclair believes that the Commission's DTV allotment policy is undermined by fundamental flaws. The Commission's decision to replicate broadcasters' NTSC Grade B contours will create a serious and unfair competitive disparity between analog VHF stations relocating to the UHF digital band ("VHF/UHF stations") and analog UHF stations operating on the UHF digital band ("UHF/UHF" stations). As a result of the Commission's Grade B replication policy, VHF/UHF stations are to receive robust allotments of digital power, while UHF/UHF stations receive power levels that are only a small fraction of those awarded to their VHF/UHF counterparts. As a result, UHF/UHF stations are unable to provide high-quality service within their "**core business areas**," those areas in which stations sell the majority of their advertising time, where the major population centers in the station's market are located, and which are the primary subject of local news and weather reports and the focus of stations' public interest obligations. In effect, the Commission has sacrificed UHF/UHF service quality in these critical core areas in order to allow VHF/UHF stations to transmit their DTV signals a few miles "over the horizon" to the edge of their NTSC Grade B contours. The Commission is thus unfairly burdening UHF/UHF stations with a disproportionate amount of the sizable business risk associated with the industry's transition to DTV.

Sinclair urges the Commission to alter its DTV Table of Allotments in order to ensure that all stations are able to replicate the current **ease of reception** in their core business areas. Ensuring that stations are able to replicate their existing ease of reception within their **Grade A contours** is the most practical way to accomplish this objective. The Commission should adjust its DTV Table of Allotments in whatever way necessary -- including modifications to allotted power, channel spacing, transmitter height, and any other relevant parameter -- to replicate the

current ease of reception within stations' core business areas, even if these modifications preclude the replication of all stations' Grade B contours. This approach is consistent with the Commission's well-established commitment to fostering high-quality public service within stations' core service areas, and would reproduce the current competitive posture between VHF/UHF stations and UHF/UHF stations far better than the policy the Commission has adopted.

In the event the Commission maintains its Grade B contour replication policy, the Commission should at least modify its coverage maximization procedures. The Commission should relax its standard for determining whether a station is permitted to increase its power, weighing interference to another broadcaster only where such interference occurs inside the affected broadcaster's DTV Grade A contour. If the Commission maintains its current standard, it should at least modify its definition of "additional interference" in areas falling outside stations' Grade A contours by moving to a F(50,50) based D/U ratio in those areas.

The transition to DTV will require an extraordinary capital investment, and this conversion will be particularly difficult for UHF broadcasters, who often lack the extensive resources of their VHF counterparts. While it understands that some degree of business risk is inevitably associated with projects of this magnitude, Sinclair and other UHF broadcasters would like some reasonable assurance before beginning this process that their businesses will emerge from the DTV transition as viable as it is today. The Commission must now modify its DTV policies in order to adequately address these crucial issues.

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**PETITION FOR RECONSIDERATION**

Sinclair Broadcast Group, Inc. ("Sinclair"), by its attorneys, hereby submits its Petition for Reconsideration in response to the Commission's Sixth Report and Order in this proceeding, released April 21, 1997 ("Allotment Order"). Steering the television industry's transition to digital technology is a complex and almost overwhelming task, and the Commission has worked extremely hard to forge policies that will permit the implementation of DTV in an expeditious manner.

1. Despite these efforts, however, Sinclair believes that the Commission's allotment plan and technical specifications for DTV are undermined by fundamental flaws. Most seriously, the Commission's decision to replicate broadcasters' NTSC Grade B contours will create a serious and unfair competitive disparity between analog VHF stations relocating to the UHF digital band ("VHF/UHF stations") and analog UHF stations operating on the UHF digital band ("UHF/UHF" stations). As a result of the Commission's Grade B replication policy,

VHF/UHF stations are to receive robust allotments of digital power, while UHF/UHF stations receive power levels that are only a small fraction of those awarded to their VHF/UHF counterparts. This power gap will unfairly burden UHF/UHF stations with a disproportionate amount of the sizable business risk associated with the industry's transition to DTV.

2. Sinclair urges the Commission to alter its DTV Table of Allotments in order to ensure that all stations are able to replicate the current ease of reception in their “**core business areas**,” those areas in which stations sell the majority of their advertising time, where the major population centers in the station's market are located, and which are the primary subject of local news and weather reports and the focus of stations' public interest obligations. Ensuring that stations are able to replicate their existing ease of reception within their **Grade A contours** is the most practical way to accomplish this objective. The Commission should do whatever is necessary to replicate the ease of reception in this area, even if these modifications preclude the replication of all stations' Grade B contours.

3. Replication of stations' ease of reception within their Grade A contours, and therefore their “core business areas,” is consistent with the Commission's well-established commitment to fostering high-quality public service within stations' core service areas. Moreover, this proposal is fairer than the Commission's approach, reproducing the current competitive posture between VHF/UHF stations and UHF/UHF stations. In addition, this policy will yield a seamless transition to DTV, ensuring that the public is able to enjoy the long-awaited benefits from this new service.

**I. The Interests of Sinclair and Other UHF/UHF Broadcasters**

4. Sinclair -- a publicly-traded company with thousands of shareholders and a multi-billion dollar market capitalization -- is one of the nation's largest group television owners. At present, Sinclair owns and operates 17 television stations, and has applications pending to acquire four additional stations (each of which Sinclair is currently programming pursuant to a time brokerage agreement). Sinclair also provides programming services to eight other television stations pursuant to time brokerage agreements. Of the 29 television stations which Sinclair owns, proposes to own, or to which it provides programming services, 26 are UHF stations.

5. Given the extent of its broadcast interests, Sinclair's transition to DTV will require an extraordinary capital investment. While it understands that some degree of business risk is inevitably associated with projects of this magnitude, Sinclair would like some reasonable assurance before beginning this process that its business will emerge from the DTV transition as viable as it is today. In particular, Sinclair believes it is critical that the Commission's allotment policy enable UHF/UHF broadcasters to provide high-quality service to their core business areas. The continued vitality of UHF/UHF broadcasters -- a group representing 53% (635 of 1193) of today's commercial television stations -- is crucial to maintaining competition and a diversity of voices in local television markets.

**II. The Commission's Well-Established Commitment to Service to Stations' Communities and Surrounding Core Business Areas**

6. Sinclair's commitment to high-quality service in its core business areas is consistent with the Commission's long-time emphasis on the needs and public interest concerns of viewers in stations' communities of license and immediately surrounding areas, as opposed to

viewers residing in the outer portions of stations' Grade B contours. This emphasis on broadcaster service to stations' core area populations has been demonstrated in numerous contexts over the years. Most fundamentally, consistent with Section 307(b) of the Communications Act, TV and FM broadcast channels are allocated, and all broadcast stations are licensed to serve, discrete communities of license rather than expansive regions.

7. The Commission's commitment to high-quality service in stations' core business areas is also demonstrated by the Commission's city-grade coverage rule, which requires a television station to cover its entire principal community with at least a city-grade signal. With this rule, the Commission seeks to ensure that a broadcaster provide the nucleus of its business area with quality service. While economic considerations may demand additional coverage, there is no formal **regulatory** commitment to such service in areas on the fringes of a station's Grade B contour. Underlying these fundamental elements of the broadcast regulatory scheme is the notion that a station's primary obligation is to serve the needs and interests of viewers at the core of its market, and only secondarily to serve areas and populations that might receive a Grade B signal from the station.

8. Indeed, in its ongoing rule making on local television ownership issues, the Commission has recently recognized the overriding economic importance to broadcasters of the core populations within stations' Grade A contours. Review of the Commission's Regulations Governing Television Broadcasting, Further Notice of Proposed Rule Making, 10 FCC Rcd 3524 (January 17, 1995). In discussing alternative "local market" definitions for use in the TV duopoly rule, the Commission stated that "[t]he benefit of the Grade A contour definition is that it covers less area than the Grade B and thus better represents the quality of signal necessary for



television stations to compete effectively.” Id. at 3540. With this statement, the Commission clearly recognizes that broadcasters must be able to provide quality service to their core local areas in order to be economically viable.

### **III. The Evolution of the Commission’s Service Replication Policy and the Incompatibility of This Policy with the Commission’s Commitment to Local Service**

9. The Allotment Order’s policy of Grade B contour replication contradicts the Commission’ historic emphasis on service to stations’ core service areas, as opposed to places far removed from that area. Significantly, “replication” was not the approach originally embraced by the FCC in this proceeding. To the contrary, the Commission initially rejected the principle of replication in favor of service **maximization**. The Commission’s Sixth Further Notice of Proposed Rule Making in this proceeding, 11 FCC Rcd 10698 (1996) (“Sixth FNPRM”), for the first time shifted the Commission’s DTV allotment policy to one of replication. This shift resulted not from any determination by the Commission itself that a “service maximization” approach was no longer good policy, but instead resulted from the urgings of certain broadcast interest groups -- those mainly representing the interests of VHF stations. The Commission simply stated that it now “agree[d] with those in the broadcasting industry who have argued that replication of existing service areas in the new DTV allotments offers important benefits for both viewers and stations.” 11 FCC Rcd at 10974-75. Of equal significance, neither the Sixth FNPRM nor the Allotment Order grasps the fact that a decision to replicate stations’ **coverage** out to the Grade B contour places UHF/VHF stations at a severe disadvantage in terms of ease of reception and actual quality of service within the core areas that broadcasters are primarily obligated to serve, and from which they derive the bulk of their revenue.

10. Following the Commission's release of the Sixth FNPRM, Sinclair and numerous other commenters recognized that the Commission's Grade B contour replication policy would fail to reproduce the true competitive posture of today's analog VHF and UHF stations if implemented.<sup>1/</sup> These commenters noted that relocation of NTSC VHF stations to the UHF band eliminated these stations' natural Grade B coverage advantage, which is a product of "over the horizon" propagation by VHF signals, and that in order to replicate these VHF stations' Grade B coverage in the UHF environment, the Commission was forced to allot massive amounts of power to these stations, far more than allotted to their UHF/UHF counterparts. In fact, the Commission's Sixth FNPRM allotted many VHF/UHF stations power levels up to **100 times greater** than the levels allotted to UHF/UHF stations. In doing so, Sinclair and other commenters pointed out, the Commission created a new and substantial competitive disparity between VHF/UHF and UHF/UHF stations. See Sinclair Reply at 5-8.

**A. The Commission's Failure to Respond to Sinclair's Concerns**

11. Despite the arguments of these commenters, the Commission formally adopted the Grade B contour replication policy in the Allotment Order. In doing so, the Commission offered little public interest justification for this policy, merely stating that Grade B contour replication "offers important benefits for both viewers and stations," and that "[r]eplication would generally maintain the service areas of existing NTSC stations, thereby preserving

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<sup>1/</sup> In its Reply Comments, Sinclair expressed its support for certain aspects of a compromise policy formulated by the Broadcasters Caucus and certain representatives of the UHF/UHF community. Reply Comments of Sinclair Broadcast Group, Inc. ("Sinclair Reply"), dated January 24, 1997, at 8-13. While the Commission's Allotment Order adopts some elements of that compromise -- a plan which never reached the status of a formal industry agreement -- it fails to incorporate a number of elements that are crucial to UHF/UHF performance in the digital environment. For this reason, Sinclair now believes that the Commission must take the steps outlined in this Petition.

viewers' access to off-the-air TV service and the ability of stations to reach the audiences that they now serve." Allotment Order at 18.

12. The Allotment Order did partially reduce the power gap between VHF/UHF and UHF/UHF stations. Specifically, the Commission adopted a minimum power level of 50 kilowatts for UHF/UHF stations, while capping VHF/UHF stations at a maximum power level of 1000 kilowatts. The Commission stated that this adjustment would "ensure that stations have a sufficient service area to compete effectively in the provision of DTV services . . ." Id. Unfortunately, the Commission's Allotment Order still leaves VHF/UHF stations in major markets with on average **twenty times** more UHF power than their UHF/UHF counterparts, and does not adequately redress the new competitive disparity between these stations. Moreover, the Allotment Order rejects the phase-in approach envisioned in the Broadcaster Caucus' compromise plan, which proposed a two-year trial period for UHF/UHF operations and the formation of an advisory committee to both oversee this testing and recommend appropriate power levels at the end of this period. As a result, given the restrictiveness of the Commission's coverage maximization process, discussed further below, the Commission allotment policy has effectively frozen UHF/UHF stations into second-class status.

**B. The Real Nature of this Problem -- the Sacrifice of High-Quality UHF/UHF Service in Stations' Core Business Areas In Order to Achieve "Over the Horizon" VHF/UHF Coverage**

13. As Sinclair has stated previously, the problem with the DTV power disparity is **not** the geographic coverage advantage that VHF/UHF stations will have over UHF/UHF stations in the outer portions of their Grade B-replicated service areas. See Sinclair Reply at 5-8. After all, VHF stations have long enjoyed this advantage in the analog environment, and Sinclair

has never sought to eliminate this coverage gap. "Parity" in total station coverage is not Sinclair's goal in this proceeding.

14. The **real** problem for Sinclair and other UHF broadcasters -- one not resolved by the Commission's minimum/maximum power levels -- is that a Grade B contour replication policy leaves UHF/UHF stations unable to provide high-quality service within their core business areas, where the station's signal is most receivable, where most of the station's audience is located, and where most of its revenue is generated. UHF/UHF stations' lower output power translates directly into lesser received field strength, and it is this received field strength which in part determines the relative ease or difficulty of receiving that station's signal in a given location. Whether a station's received field strength is sufficient to ensure easy reception in a given location depends on the sensitivity of the viewer's television receiver, one of the key "planning factors" identified by the Commission in Appendix A of the Allotment Order. The Commission assumes a UHF receiver noise figure of just 7 dB, representing an extraordinarily sensitive receiver. Given this noise figure, it is apparent that the Commission believes either that most television consumers will purchase either an outdoor DTV receiving antenna, or that television manufacturers will produce a DTV receiver much more sensitive than any on the market today. The Commission presents no evidence to support these unreasonable assumptions. In addition, the Commission's receiver noise figures -- 7 dB for UHF receivers compared to 10 dB for VHF digital receivers -- are inconsistent with conditions in the analog world, where UHF receivers are considerably less sensitive than their VHF counterparts.

15. The Commission's noise figures are crucial, as they have led the Commission to erroneously conclude that the minimum power allotted to UHF/UHF broadcasters will be sufficient to replicate their present quality of service, relative to their competition, in their core business areas. This will simply not be the case. It is likely that only a fraction of consumers will utilize outdoor antennas<sup>2/</sup> or highly sensitive TV receivers. Not only are outside antennas costly and difficult to install, many viewers living in apartments, condominiums and planned communities may also face zoning and land-use restrictions that may impede their ability to situate such antennas. Thus, a substantial number -- if not a majority -- of consumers will view DTV on sets with "out of the box" indoor antennas of questionable performance. In addition, many of these consumers' residences will be structures that are difficult to penetrate. In fact, a 1980 study funded by the Commission and conducted by Georgia Tech University estimates that a DTV loop antenna system inside a building will have an equivalent gain in the -28 dB range (compared to the FCC planning factor of +10 dB, a 38 dB difference) . See FCC Contract FCC-0315, "Program to Improve UHF Television Reception," Final Report (September 1980).

16. Moreover, in the digital world, reception difficulties result in effects more dramatic than mildly annoying lines or "snow" on the screen. In the DTV context, once received field strength falls below a certain "threshold of visibility," the picture simply disappears. This "cliff effect" means that there is no such thing as a "poor" digital picture; either there is a digital picture, or there is not. With power levels just a fraction of those assigned to VHF/UHF stations under the Commission table, a significant percentage of consumers attempting to view programming on UHF/UHF stations will suffer the "cliff effect" even within

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<sup>2/</sup> These were the type of antennas that were employed in the "Charlotte tests" conducted during development of the DTV system.

these stations' core service areas.<sup>3/</sup> Even if a viewer could possibly regain adequate reception by adjusting the position of his or her set-top antenna, this required adjustment would still place UHF/UHF stations at a significant competitive disadvantage vis a vis their high-power VHF/UHF counterparts, whose picture would always be present.

17. In addition, according to a recent analysis by several analysts at BELLCORE, even consumers who **do** invest in high-quality antennas might experience the "cliff effect" on UHF/UHF stations' channels. See "Digital Transmission Over In-Home Coaxial Wiring," IEEE Transactions on Broadcasting, Vol. 42, No. 2, June 1997. This surprising and troubling conclusion is the result of an extensive analysis of the technical characteristics of outdoor antenna-based in-house DTV coaxial cable distribution systems, a TV delivery system likely to become more prevalent in the DTV world. As explained in this article, the extensive internal wiring associated with these systems and the absence of television receivers at some wall connections could combine to cause an equivalent gain in the range of -10 to -20 dB in homes utilizing these systems.

18. It cannot be assumed that these reception problems will be mitigated by cable carriage of DTV stations. With no express "must-carry" obligations with respect to DTV signals, cable systems cannot be relied upon as a delivery mechanism.

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<sup>3/</sup> One of the promises envisioned for DTV is the use of the DTV signal for ancillary services such as data transmission. Already, the computer industry is in the process of manufacturing devices capable of receiving data information from broadcasters' DTV signals. However, the "pop-up" antennas that will be used on devices receiving data from DTV signals will have gains that are worse than those associated with loop antennas on sets -- quite likely worse than -20 dB.

19. Sinclair described these problems in detail in its Reply Comments to the Sixth FNPRM. Thus, the Commission was made fully aware that its Grade B contour replication policy would significantly diminish the quality of reception of UHF/UHF stations' programming in these stations' core business areas. In its Allotment Order, however, the Commission has in effect sacrificed UHF/UHF service quality in these critical core areas in order to allow VHF/UHF stations to transmit their DTV signals a few miles "over the horizon" to the edge of their NTSC Grade B contours. The massive power required to do so gives VHF/VHF broadcasters a significant margin for error in the event that DTV's real world performance does not match its effectiveness in the laboratory. UHF/UHF stations, meanwhile, have an unacceptably slim margin for error, practically zero -- even a slight underperformance by DTV technology or error in the Commission's "planning factor" assumptions could leave a significant portion of TV sets suffering from the "cliff effect" on UHF/UHF channels and threaten the economic viability of an entire class of broadcasters.

**IV. The Solution: The Commission Should Modify Its DTV Table of Allotments to Ensure Replication of Ease of Reception Within Stations Core Business Areas, and, Consequently, VHF/UHF and UHF/UHF Stations' Current Relative Competitive Postures**

20. The Commission must reevaluate its service priorities and abandon its current approach in favor of a policy that is consistent with its historic commitment to service within stations' core local viewing areas. Specifically, the Commission should adjust its DTV Table of Allotments in whatever way necessary -- including modifications to allotted power, channel spacing, transmitter height, and any other relevant parameter -- to replicate the current ease of reception within stations' core business areas, most readily measured by these stations' Grade A contours.

21. Replicating current ease of reception within stations' Grade A contours -- and, consequently, the relative competitive posture of today's NTSC stations -- should be the Commission's overriding priority in formulating its allotment table. To the extent that the Commission can at the same time replicate stations' Grade B contours, <sup>4/</sup>it should do so, but there should be no compulsion to achieve that secondary goal in these initial allotments. Accordingly, stations should not be permitted to challenge initial allotments on the basis of a failure to replicate their Grade B contours.

22. In reallocating DTV channels on this basis, the Commission must incorporate a much more realistic receiver noise figure into its analysis. The Commission should account for the continued use of less sensitive reception devices, such as the "out of the box" indoor antennas described above, and should adopt UHF/UHF power levels that permit reliable DTV service even where this less sophisticated equipment combines with the effects of building penetration to produce losses on the order of -15 to -28 dB and higher. Otherwise, as explained above, the Commission risks condemning an entire class of viewers to an inferior set of DTV choices.

**V. In the Event the Commission Retains Its Current Service Area Replication Policy, the Commission's Procedures for Coverage Maximization Should be Modified**

23. In the event the Commission maintains its Grade B contour replication policy, the Commission should at least modify its coverage maximization procedures. First, the Commission should relax its standard for determining whether a station is permitted to increase its power. Under the current policy, a station will be precluded from expanding its coverage if

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<sup>4/</sup> VHF/ UHF Grade B replication could be achieved at much lower power levels if the Commission's "planning factors" assumed the use of antenna-mounted preamplifiers. The use of these preamplifiers would have the same effect as multiplying stations' power levels by a factor of four.



the required power increase creates additional interference anywhere within the affected broadcaster's Grade B contour. Allotment Order at 19-20. As a result, a UHF broadcaster that must increase its power in order to provide high-quality service to its **own core business area** will be unable to do so as long as that modification creates new interference within another station's Grade B contour, even where the affected areas play absolutely **no role** in that station's news, weather, and public affairs programming or its sale of advertising time. For instance, it appears that WBFF(TV) in Baltimore will be precluded from increasing its power because of additional interference caused to a York station in **Baltimore City**. This example illustrates the inconsistency of the Commission's maximization procedures with the Commission's well-established commitment to fostering service in core local areas.

24. Sinclair strongly believes that, in determining whether or not a station can increase its power, the Commission should weigh interference to another broadcaster only where such interference occurs **inside the affected broadcaster's DTV Grade A contour**. This more liberal standard will better promote the development of high-quality UHF/UHF service in stations' core business areas.

25. If the Commission maintains its current standard and continues to account for any additional interference within affected broadcasters' DTV Grade B contours, the Commission should at least modify its definition of "additional interference" in areas falling outside stations' **Grade A contours**.<sup>5/</sup> Under the Commission's current policy, the Commission will utilize a F(50,10) based D/U ratio in order to determine whether or not additional interference results from another station's maximization efforts. Allotment Order at A-1. Sinclair believes that the

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<sup>5/</sup> Sinclair reserves the right to comment on the OET 69 following its release.

threshold for interference in areas far removed from affected stations' core business areas should be less exacting and that the Commission should therefore move to a F(50,50) based D/U ratio in areas outside stations' Grade A contours. As demonstrated in the attached Engineering Statement of Nat Ostroff at Exhibit A, which relates specifically to the Baltimore and Columbus, OH markets, this modified threshold would allow UHF/UHF broadcasters to increase their power and better serve their local areas while having little practical effect on the reception of affected stations.


**Conclusion**

The American consumer will be the final arbiter of the success or failure of digital television and the broadcasters that provide this service. It is only fair that these DTV competitors have the same ease of access to local consumers as is currently enjoyed in the NTSC world. Such a smooth, equitable transition would ensure that the Federal Government and the public are able to enjoy the long-awaited benefits from DTV.

Respectfully submitted,

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Its Attorneys

Dated: June 13, 1997

## **EXHIBIT A**

## DECLARATION

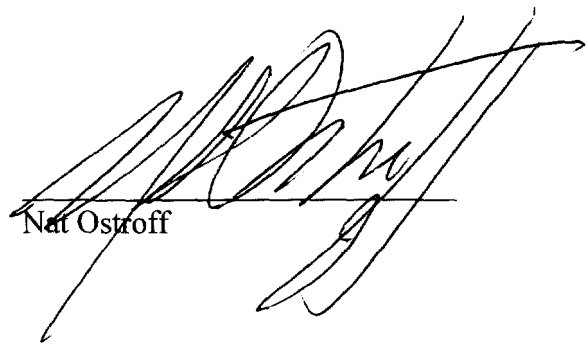
I, Nat Ostroff, do hereby declare and state:

1. I am the Vice President - New Technology of Sinclair Broadcast Group, Inc. ("SBG"). SBG is the licensee of television stations WBFF(TV) (Channel 45), Baltimore, Maryland, and WTTE(TV) (Channel 28), Columbus, Ohio.
2. I commissioned computer modeling of two typical situations by the U.S. Department of Commerce, National Telecommunications and Information Administration, Institute for Telecommunications Sciences at Boulder, Colorado, at the request of SBG. The markets examined were WTTE in Columbus, Ohio and WBFF in Baltimore, Maryland.
3. A series of computer-generated maps were developed to illustrate the effects of shifting the statistical threshold for interference from a F50/10 D/U ratio to a F50/50 D/U ratio.
4. The study first established a baseline map for the station under investigation. This baseline used the FCC method and statistical curves at F50/10 for the undesired signal level. Once the reference interference was established, the study then employed a F50/50 D/U ratio and raised the power of the interfering station to the level that would reproduce roughly the same amount of interference as found at the FCC power level. The study then determined the amount of interference that would result at this higher power level using a F50/10 D/U ratio.
5. Employing the F50/50 threshold, the power of DWTTE in Columbus could be raised to 750 kW before equaling the interference that results from the use of the F50/10 D/U ratio at DWTTE's FCC-assigned power level of 63 kW. In both scenarios, the only station that received interference was WUPW in Toledo, Ohio.
6. Even using the FCC F50/10 curves, the more than 10 DB increase in DWTTE's power increased interference only in the outer half of WUPW's grade B coverage area. No interference was created within WUPW's grade A contour. Moreover, in areas of new interference, the vast majority of viewers are connected to cable, thus minimizing any potential interference effects.
7. In the Baltimore market, the interference to WPMT in York, Pennsylvania from DWBFF was located around the base of DWBFF's tower. In other words, the interference limiting the power of DWBFF was inside DWBFF's grade A contour and well outside of the WPMT DMA. This interference appeared to be an artifact of the computer process, and it was disregarded. If this artifact is ignored, the power of DWBFF can be raised to the limit of 1,000,000 watts even where interference is determined by using the FCC F50/10 D/U ratio. In this scenario, most of the interference to the York station was shown to occur inside of the DWBFF grade A contour in Baltimore. No significant interference was shown inside of the WPMT's grade A contour or inside any other station's grade A contour.
8. These studies illustrate that the FCC model using F50/10 curves protects stations' grade B contours to an unnecessary extent, while at the same time forcing interfering stations to

operate at power levels so low that they threaten those stations' ability to achieve full grade A coverage in their DMAs.

I declare under penalty of perjury that the foregoing is true and correct.

Signed the 12<sup>th</sup> day of June, 1997.

  
Nat Ostroff